

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	CASE NO. 4:14-CR-164
Plaintiff,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
NICKIE THOMAS GRAY, JR.,	)	
	)	
Defendant.	)	<b><u>MEMORANDUM OPINION</u></b>
		<b><u>ON SENTENCING</u></b>

**I. Introduction**

A jury convicted Defendant Nickie Thomas Gray, Jr. of Receipt and Distribution of Child Pornography in violation of 18 U.S.C. § 2252(a)(2) (Count One) and Possession of Child Pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) (Count Two). [ECF No. 40](#). Based on a total offense level of 37 and a criminal history category of IV, the U.S.S.G. imprisonment range is 292 to 365 months for each count. Below, the Court supplements the oral record made at the sentencing hearing and further explains the bases for the 240-month sentence imposed.

**II.**

Count 1 demands a mandatory minimum of 60 months. The statutory maximum is 240 for both Counts 1 and 2. Therefore, the applicable USSG range, as adjusted, is 60-240 for Count 1 and 0-240 for Count 2.

(4:14CR0164)

In addition to the statements made on the record which incorporate the sentencing guidelines policies and the 18 U.S.C. § 3553(a) factors, the Court finds that neither Defendant's medical and mental conditions, individually and in combination, nor his criminal history justify a minimal sentence or a downward departure or variance. These same matters have been considered regarding the imposition of the 10-year term of supervised release.

#### **IV. Conclusion**

For the reasons set forth on the record during the sentencing hearing and herein, Defendant is sentenced to a total term of incarceration of 240 months as to each of Counts 1 and 2 of the Indictment, each such term to be served concurrently, and, upon his release ordered to serve ten (10) years of supervised release as to each of Counts 1 and 2 of the Indictment, each such term to be served concurrently.

IT IS SO ORDERED.

March 9, 2015  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge